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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,644	12/05/2003	Paul Marinier	I-2-0430.1US	1132

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EXAMINER

LY, NGH I H

ART UNIT PAPER NUMBER

2686

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,644

Applicant(s)

MARINIER, PAUL

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santhoff et al (US 6,519,464) in view of Stewart (US 6,546,257).

Regarding claim 14, Santhoff teaches a wireless transmit/receive unit (WTRU) for participating in cooperative positioning (see Abstract) comprising: a receiver configured to receive requests for positioning information regarding a selected target-WTRU from a wireless network (see column 3, lines 39-58) and to receive signals from the selected target-WTRU (see column 1, line 43 to column 2, line 30 and column 4, lines 34-55), a processor configured to perform position measurements regarding the selected target-WTRU based on the received requests for positioning information and the signals received from the selected target-WTRU for purposes of performing the position measurements (see column 1, line 43 to column 2, line 30), a transmitter configured to transmit results of position measurements as positioning information to the wireless network (see column 1, line 43 to column 2, line 30 and see column 2, lines 30-35).

Santhoff does not specifically disclose a receiver configured to receive requests for positioning information regarding a selected target-WTRU from a wireless network

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base station and to receive signals from the selected target-WTRU, a transmitter configured to transmit results of position measurements to the wireless network base station, and a memory for storing the number of instances where positioning information is provided for account credit verification.

Stewart teaches a receiver configured to receive requests for positioning information regarding a selected target-WTRU from a wireless network base station and to receive signals from the selected target-WTRU (see column 4, lines 20-24 and see column 8, lines 63-67), a transmitter configured to transmit results of position measurements to the wireless network base station (see column 5, lines 19-22 and column 6, lines 60-65), and a memory for storing the number of instances where positioning information is provided for account credit verification (see column 12, lines 7-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Stewart into the system of Santhoff in order to provide geographically relevant promotional information to a predetermined location associated with a mobile (see Stewart, column 1, line 65 to column 2, line 2).

Regarding claim 16, Santhoff further teaches a display for displaying the number of instances where positioning information is provided to the system (see column 11, lines 29-40, column 14, lines 13-24 and column 14, lines 64-67).

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Regarding claim 17, Santhoff further teaches the request for positioning information is broadcast and includes the spreading code of the selected target-WTRU (see column 10, lines 42-47) (or see Stewart, column 5, lines 3-7).

Regarding claim 18, the combination of Santhoff and Stewart teaches claim 14. The combination of Santhoff and Stewart does not specifically disclose the WTRU has determined its own position with a degree of confidence that is above a predetermined value. However, the examiner takes Office notice such feature as recited in very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Santhoff and Stewart for providing a method as claimed, for determining the position of the WTRU.

Regarding claim 19, the combination of Santhoff and Stewart teaches claim 14. The combination of Santhoff and Stewart does not specifically disclose the positioning information accepted by the wireless network base station is limited to positioning information with a degree of confidence above a predetermined level. However, the examiner takes Office notice such feature as recited in very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Santhoff and Stewart for providing a method as claimed, for determining the position of the WTRU.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santhoff et al (US 6,519,464) in view of Stewart (US 6,546,257) and further in view of Robert (US 6,169,497).

Regarding claim 15, the combination of Santhoff and Stewart teaches claim 14. The combination of Santhoff and Stewart does not specifically disclose a switch for enabling and disabling the ability of the WTRU to respond to positioning requests received from the system.

Robert teaches a switch for enabling and disabling the ability of the WTRU to respond to positioning requests received from the system (see column 2, lines 4-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Robert into the system of Santhoff and Stewart so that the user can select the transmission of an activation or initial signal from a portable control unit to the target to initiate broadcast of the communication signal (see Robert, column 2, lines 18-21).

Response to Arguments

4. Applicant's arguments with respect to claims 14-19 have been considered but are moot in view of the new ground(s) of rejection.

On page 9 of applicant's remarks, applicant argues that claim 15 is not obvious over Santhoff in view of Robert.

In response, Santhoff in view of Stewart and Robert, does indeed teach claim 15. In addition, applicant's attention is directed to the rejection of claim 15 above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

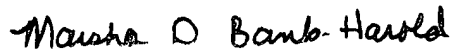
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly


03/18/06



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